

Home Care Services AB 2455 Implementation

June 6, 2019

Objectives

- Provide updates on the Department's implementation plans for AB 2455
- Learn what steps HCAs may take to update their opt-preference
- Provide clarification on the opt process
 - Available when the HCA is pending or registered only
 - Resets when HCA closes/forfeits

AB 2455

AB 2455

1796.29. The department shall do all of the following in the administration of the home care aide registry:

(a) Establish and maintain on the department's Internet Web site the registry of registered home care aides and home care aide applicants.

(1) To expedite the ability of a consumer to determine if a registered home care aide or home care aide applicant has passed a background examination, pursuant to Section 1796.23, the Internet Web site shall enable consumers to look up the registration status by providing the registered home care aide's or home care aide applicant's name and registration number. The Internet Web site shall provide the registration status, the registration expiration date, and, if applicable, the home care organization with which the affiliated home care aide is associated.

(2) The Internet Web site shall not provide any additional, individually identifiable information about a registered home care aide or home care aide applicant. The department may request and may maintain additional information for registered home care aides or home care aide applicants, as necessary for the administration of this chapter, that shall not be publicly available on the home care aide registry.

(b) Update the home care aide registry upon receiving notification from a home care organization that an affiliated home care aide is no longer employed by the home care organization.

(c) Notwithstanding any other provision of this chapter to the contrary, information regarding a registered home care aide or registered home care aide applicant is not subject to public disclosure pursuant to this chapter, except as provided in subdivision (d).

(d) (1) For any new registration or renewal of registration occurring on and after July 1, 2019, the department shall provide an electronic copy of a registered home care aide's name, telephone number, and cellular telephone number on file with the department, upon its request, to a labor organization in which a provider of in-home supportive services, as described in Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code, or a registered home care aide, already participates and which exists for the purpose, in whole or in part, of dealing with employers of home care aides concerning access to training, grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work. The labor organization shall not use this information for any purpose other than employee organizing, representation, and assistance activities. The labor organization shall not disclose this information to any other party.

(2) The department shall establish a simple opt-out procedure by which a registered home care aide or registered home care aide applicant may request that his or her contact information on file with the department not be disclosed in response to a request described in paragraph (1).

(e) At the time of any registration or renewal of registration occurring on and after July 1, 2019, the department shall do both of the following:

(1) Provide a written notice to the registering or registered home care aide that his or her information may be shared with a labor organization, as described in paragraph (1) of subdivision (d).

(2) Provide written instructions on how to utilize the simple opt-out procedure described in paragraph (2) of subdivision (d).

(f) This section applies solely to an individual who provides services as a home care aide under this chapter.

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2455

AB 2455 - The Law

- Impacts HCA applicants and renewing HCAs after July 1, 2019
- Requires the release of Registered HCA's name, telephone number and cellular number on file with the Department who do not opt-out
- Requires labor organizations to make requests in writing
- Specifies that the labor organization can only use the HCA information for employee organizing, representation, and assistance activities
- Specifies that labor organizations cannot disclose this information to any other party
- Requires the Department to create an opt-out process

Manual Application Language

Disclosure of Personal Information

Assembly Bill 2455 (Statutes 2018, Chapter 917, Section 2) created a new law that affects all Registered Home Care Aides. This law requires CDSS to provide the name and telephone numbers of Registered Home Care Aides to labor organizations, when requested. This law also requires CDSS to create a process for Registered Home Care Aides to tell the Department not to release their information, or "opt-out" of the disclosure of their personal information.

Effective July 1, 2019, all individuals who become Registered Home Care Aides and all Registered Home Care Aides renewing their registration are subject to their names and telephone numbers being released to labor organizations. If you do not want your personal information released, please check the box below. If you do not check the box below, your information will be shared with labor organizations when requested.

☐ I **do not** want my personal information shared with labor organizations and wish to opt-out of this requirement.

HCA Registry Online Application Language



Step 3 of 9: Contact Information Sharing

The browser's back button has been disabled. Ensure the information you have entered is correct before proceeding.

Assembly Bill 2455 was a bill proposed in February 2018, passed through the legislature, and was signed into Law by Governor Brown in September 2018. The new law requires the California Department of Social Services (Department) to provide the name and telephone number(s) of registered Home Care Aides (HCAs) to labor organizations when the labor organization asks for the information. This law also requires the Department to create a process for registered HCAs to tell the Department not to release their information, or "Opt-Out" of the law's requirement. HCAs may either "Opt-In" or "Opt-Out" of having their information shared with labor organizations. You may find more information on AB 2455 here: <http://www.cdss.ca.gov/inforesources/Community-Care-Services/Laws-and-Policies>

Please select either Opt-In or Opt-Out below:

- "Opt-In" means you would like your name and telephone number(s) to be shared with labor organizations.
- "Opt-Out" means you do not want your name and telephone number(s) to be shared with labor organizations.

- ☒ Opt-In
☐ Opt-Out

Go to Step 4

Opt-Preference PIN now on Transaction Receipt

Step 7 of 9: Transaction Receipt

Applicant Name:	JESSICA SWOL
Payment Amount:	\$ 35.00
Verification Code:	CMC150
Transaction Date:	05/10/2019
Personnel ID (PER ID/HCA ID):	7517371716
PIN:	GJNPPJRW

Print

Continue

Opt-Preference PIN now on Confirmation Page

Step 9 of 9: Congratulations!

Congratulations! You have successfully submitted your Home Care Aide Registry application and payment. Your Personnel ID (PER ID or HCA ID) and PIN are provided below:

PER ID / HCA ID #: 7517371716

PIN: GJNPPJRW

Print this page and keep a copy for your records. Save your unique PER ID / HCA ID number for future reference as you will need this number to provide to future employers and to verify your status on the Home Care Aide Registry. The PER ID / HCA ID number along with the PIN can be used to change your Opt-Preference should you change your contact information to the labour organizations.

You are required to inform the Home Care Services Bureau in writing, of any changes in your address within ten (10) days. You may request a change of address by completing the Request for Name/Address Change form (HCS 105). The HCS 105 can be found on the CDSS forms page at <http://www.cdss.ca.gov/cdssweb/entres/forms/English/HCS105.pdf>. The form may be faxed to 1-916-651-5600, or mailed.

California Department of Social Services
Home Care Services Bureau
744 P Street, M.S. 9-14-90
Sacramento, CA 95814

If you have any questions, contact the Home Care Services Bureau by phone at 1-877-424-5778 or by email at HCSB@dss.ca.gov.

Return

Print

Opt-Preference Portal

Personal Information

First Name *

JESSICA

Last Name *

SWOL

Middle Name

Congratulations!

Registry Status Information

Status

PENDING

Congratulations! You have successfully updated your opt-preference. If you like to change your opt-preference in the future, you may log in to this web portal to change it.

Sharing Contact Information

If you would like to change your opt-preference, please select either Opt-In or Opt-Out below and select Submit.

- "Opt-In" means you would like your name and telephone number(s) to be shared with labor organizations.
- "Opt-Out" means you do not want your name and telephone number(s) to be shared with labor organizations.

☐ Opt-In

☒ Opt-Out

Submit

If you have any questions, contact the Home Care Services Bureau at 1-877-424-5778 or HCSB@dss.ca.gov.

Return

Draft Timeline for Opt-Pin

HCA Applies

Submits application
online or manual on
6/25/19

HCA Becomes Registered

HCS 26R is sent to HCA
July 1, 2019

Renewal Notice Generated

HCA Renewal notice generated approx. 90
days before expiration date with PIN #2. At
this point, PIN #1 is no longer active and this
renewal PIN (PIN #2) only works for the
renewal tab.

HCA can update Opt-Preference Opt-PIN

April 1, 2021

Next Day

Next Day

HCS 55R Generated

HCA will receive 55R PIN letter in the
mail with PIN #1. They can use this on
the portal to update their preference.

HCA can update Opt-Preference with Opt-PIN

HCA Submits Renewal
Application prior to
expiration date

HCS 55R Generated

HCA will receive a new 55R PIN letter in
the mail with PIN #3. They can use this
PIN to update their preference until their
next renewal notice is generated

DRAFT

Additional Information

New Updated Letters and Forms

Forms

- HCS 100
 - Initial HCA Application
- HCS 101
 - Renewal HCA Application
- HCS 50R
 - Renewal Notice to HCA
- HCS 55R
 - Opt-Preference PIN Letter

** New manual form coming soon-
HCS 155

Website

- <http://www.cdss.ca.gov/inforesources/Community-Care/Home-Care-Services/Laws-and-Policies>

HCA Status Overview

- **Closed-** This status is listed when a HCA has not completed the application process. A new application is required and a new LiveScan may be required in some circumstances.
- **Registered-** This status is listed when a HCA has a clear background or an exemption granted and has completed the application through HCSB to become a HCA.
- **Pending-** This status is listed when a HCA has not completed the application process. They may be missing the application, they may be missing fingerprints, or they may be pending an exemption.
- **Denied-** This status is listed when a HCA has been denied an exemption and their legal case is complete. They are not eligible to apply for the HCA registry for two years upon a denial. Therefore, they are not eligible to provide/arrange for the delivery Home Care Services.
- **Forfeited-** This status is listed when a HCA does not renew their registration before their expiration date. A new application is required for them to become registered again. Therefore, they are not eligible to provide/arrange for the delivery Home Care Services.
- **Revoked-** This status is listed when a HCA's registration has been revoked, and their legal case is complete. They are not eligible to apply for the HCA registry for two years upon a revocation. Therefore, they are not eligible to provide/arrange for the delivery Home Care Services.
- **Registered- Pending Review-** This status is listed when the HCA has a criminal history or action from the Department that is being reviewed. Therefore, they are not eligible to provide/arrange for the delivery Home Care Services.
- **Registered*-** This status is listed when the HCA has an exemption granted by the Department.

References

- Home Care Services Bureau
<http://www.cdss.ca.gov/inforesources/Community-Care/Home-Care-Services>
- Caregiver Background Check Bureau
<http://www.cdss.ca.gov/inforesources/Community-Care/Caregiver-Background-Check/Background-Check-Process>
- Health and Safety Code
http://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=HSC&division=2.&title=&part=&chapter=13.&article
- Regulations
<http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/Community-Care-Licensing-Regulations/Home-Care-Services-Consumer-Protection>

Contact Us

Please contact the Home Care Services Bureau by e-mail at HCSB@dss.ca.gov or by telephone at (877) 424-5778.